

ESTTA Tracking number: **ESTTA587586**

Filing date: **02/17/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214681
Party	Defendant The Brooks Hospitality LLC
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Submission	Answer
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Date	02/17/2014
Attachments	Brooks Hotel-Brooks Brothers Answer to Notice of Opposition.pdf(89946 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BROOKS BROTHERS GROUP, INC.	)	
	)	Mark: THE BROOKS
Opposer,	)	
	)	Opposition No: 91214681
	)	
v.	)	Serial No. 86015375
	)	
THE BROOKS HOSPITALITY LLC,	)	Filed: July 19, 2013
	)	
Applicant.	)	

**ANSWER**

The Applicant, The Brooks Hospitality LLC (“The Brooks”), by and through its undersigned counsel, FUKSA KHORSHID, LLC, hereby files this Answer to Opposer BROOKS BROTHERS GROUP, INC.’s (“Brooks Brothers”) Notice of Opposition to the registration of application serial number 86015375 for the mark THE BROOKS in International Class 043 for hotel services, and states as follows:

1. Paragraph 1 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition and, therefore, denies said allegation.

2. Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition and, therefore, denies said allegations.

3. Admitted.

4. Admitted.

5. Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 5, specifically it relates to Opposer's allegation that it owns numerous trademarks "in a variety and constantly expanding number of classes..." To the extent that official United States Patent and Trademark Office records corroborate Opposer's allegations regarding ownership of federal trademark registrations, the record speaks for itself.

6. Paragraph 6 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 6 of the Notice of Opposition and, therefore, denies said allegations.

7. Paragraph 7 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 7 of the Notice of Opposition and, therefore, denies said allegations.

8. Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 8 of the Notice of Opposition and, therefore, denies said allegations.

9. Paragraph 9 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 9 of the Notice of Opposition and, therefore, denies said allegations.

10. Paragraph 10 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant has insufficient knowledge or

information upon which to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice of Opposition and, therefore, denies said allegations.

11. Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 11 of the Notice of Opposition and, therefore, denies said allegations.

12. Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 12 of the Notice of Opposition and, therefore, denies said allegations.

13. Denied. Upon information and belief, Opposer is not and has never been engaged in the sale of products and services substantially related to Applicant's hotel services.

14. Paragraph 14 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 14 of the Notice of Opposition.

15. Paragraph 15 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in Paragraph 15 of the Notice of Opposition.

16. Denied. Further, Applicant denies that seeking consent or permission from Opposer to use Applicant's Mark is required by law.

17. Paragraph 17 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 17 of the Notice of Opposition.

18. Paragraph 18 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 18 of the Notice of Opposition.

19. Paragraph 19 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 19 of the Notice of Opposition and, therefore, denies said allegations.

20. Paragraph 20 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 20 of the Notice of Opposition.

21. Paragraph 21 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 21 of the Notice of Opposition.

22. Paragraph 22 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 22 of the Notice of Opposition.

23. Paragraph 23 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 23 of the Notice of Opposition.

24. Denied.

25. Paragraph 25 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 25 of the Notice of Opposition.

26. Paragraph 26 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 26 of the Notice of Opposition.

27. Paragraph 27 attempts to state a legal conclusion to which no response is required. To the extent that a response is deemed necessary, Applicant denies the allegations set forth in paragraph 27 of the Notice of Opposition.

WHEREFORE, the Applicant, The Brooks Hospitality LLC, prays that this Opposition be dismissed and that Applicant's Mark be permitted to mature to registration.

Respectfully submitted,

Date: February 17, 2014

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Attorneys for Applicant, The Brooks Hospitality LLC

## **CERTIFICATE OF SERVICE**

I, Perry Gattegno, hereby certify that a true and complete copy of the foregoing Answer to Opposer's Notice of Opposition has been served on counsel for BROOKS BROTHERS GROUP, INC. by sending said copy on February 17, 2014, via First Class Mail, postage prepaid to:

Baker and Rannells, P.A.  
c/o Neil B. Friedman  
575 Route 28, Suite 102  
Raritan, New Jersey 08869

/Perry Gattegno/  
Perry Gattegno